

United States District Court

FOR THE
SOUTHERN DISTRICT OF NEW YORK

Ronald
15 Dec 76
Executive Registry
76-4436

CIVIL ACTION FILE NO. *Judge Becker*
76-4436

GROVE PRESS, INC., BARNET LEE
ROSSET, JR., FRED JORDAN,

Plaintiff s

v.

CENTRAL INTELLIGENCE AGENCY, GEORGE BUSH,
WILLIAM E. COLBY, JAMES SCHLESINGER, RICHARD
HELMS, JOHN A. McCONE, WILLIAM F. RABORN,
JR., JAMES J. ANGLETON, RAYMOND ROCKA,
WILLIAM J. HOOD, NEWTON S. MILER, THOMAS
KARAMESSINES, RICHARD OBER, JOHN DOE,
RICHARD ROE, JANE DOE AND OTHER UNKNOWN
EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY AND
OTHER AGENCIES OF ~~Defendant~~ THE FEDERAL GOVERN-
MENT,

Defendants.

SUMMONS

To the above named Defendant : CENTRAL INTELLIGENCE AGENCY

You are hereby summoned and required to serve upon EMIL, KOBIN, KLEIN
& GARBUS, Attn: Melvin Simensky, Esq.

plaintiff's attorney s, whose address is 540 Madison Avenue, New York, New York
10022

an answer to the complaint which is herewith served upon you, within 60 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be
taken against you for the relief demanded in the complaint.

Raymond J. Becherat
Clerk of Court.

B. Wasserman
Deputy Clerk.

Date: December 8, 1976.

[Seal of Court]

EXECUTIVE REGISTRY FILE *OHC*

NOTE:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

No. _____

United States District Court

FOR THE

Southern District of New York

GROVE PRESS, INC., BARNET LEE
ROSSET, JR., FRED JORDAN,

CENTRAL INTELLIGENCE AGENCY, GEORGE BUSH,
 WILLIAM E. COLBY, JAMES SCHLESINGER,
 RICHARD HELMS, JOHN A. MCCONE, WILLIAM F.
 RABORN, JR., JAMES J. ANGLETON, RAYMOND
 ROCCA, WILLIAM H. HOOD, NEWTON S. MILLER,
 THOMAS KAHNWEISSEN, RICHARD OBER, et al.

SUMMONS IN CIVIL ACTION

Returnable not later than 60 days

after service.

[SEAL]
day of 19

Subscribed and sworn to before me, a this

Note:—Affidavit required only if service is made by a person other than a United States Marshal or his Deputy.

MARSHAL'S FEES

Travel -----
Service -----
By -----
Deputy United States Marshal

United States Marshal

I received this summons and served it together with the complaint herein as follows:

I hereby certify and return, that on the day of 19

RETURN ON SERVICE OF WRIT

GL 15
19
DEC 15 1979

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

GROVE PRESS, INC., BARNET LEE
ROSSET, JR., FRED JORDAN,

:

Plaintiffs,

:

-against-

: Civil Action No.

CENTRAL INTELLIGENCE AGENCY, GEORGE BUSH,
WILLIAM E. COLBY, JAMES SCHLESINGER, RICHARD:
HELMS, JOHN A. McCONE, WILLIAM F. RABORN,
JR., JAMES J. ANGLETON, RAYMOND ROCCA,
WILLIAM J. HOOD, NEWTON S. MILER, THOMAS
KARAMMESSINES, RICHARD OBER, JOHN DOE,
RICHARD ROE, JANE DOE AND OTHER UNKNOWN
EMPLOYEES OF THE CENTRAL INTELLIGENCE
AGENCY AND OTHER AGENCIES OF THE FEDERAL
GOVERNMENT,

: COMPLAINT FOR
MONEY DAMAGES,
DECLARATORY AND
INJUNCTIVE RELIEF

Defendants.

:

-----X

Plaintiffs, Grove Press, Inc., Barnet Lee Rosset, Jr.
and Fred Jordan, by their attorneys, Emil, Kobrin, Klein & Garbus,
for their complaint herein allege:

JURISDICTION

1. This is an action for money damages, for injunctive and declaratory relief, and for a writ of mandamus to redress and prevent the deprivation of rights, privileges and immunities secured to the Plaintiffs by the United States Constitution and the laws of the United States, and particularly by the First, Fourth, Fifth and Ninth Amendments to the United States

Constitution, by 5 U.S.C. Section 552, 18 U.S.C. Sections 241 and 242, 42 U.S.C. Sections 1985(3) and 1986, 18 U.S.C. Sections 1701-1703 and Sections 2510-2520, 47 U.S.C. Section 605, 15 U.S.C. Sections 1 and 15, and 18 U.S.C. Section 837.

2. Jurisdiction is conferred upon this Court by 5 U.S.C. Section 552(a)(4)(B) and (E), 28 U.S.C. Section 1331(a), 28 U.S.C. Section 1343(1), (2), and (4), 28 U.S.C. Sections 2201 and 2202, 28 U.S.C. Section 1361 and 28 U.S.C. Section 1332(a). All of the plaintiffs are citizens of the State of New York and all of the defendants are citizens of a State other than New York. The amount in controversy exceeds \$10,000, exclusive of interest and costs.

PARTIES

3. Plaintiff Grove Press, Inc. ("Grove") is a corporation organized under the laws of the State of New York, with its principal place of business in the County and State of New York. Grove has published books of non-fiction and fiction in the United States since 1951, and from that time to the present it has been a major domestic medium for the communication of political opinion.

4. Grove also published the periodical Evergreen Review from 1957 to 1973. Since 1964 it has distributed for exhibition within the United States documentary, experimental and feature motion picture films. Among the books, articles and films which Grove has published and distributed are some which oppose as

immoral or illegal United States Governmental policies and practices with which Defendants have been associated or for which they have been responsible.

5. Plaintiff Barnet Lee Rosset, Jr. ("Rosset") is a citizen of the State of New York and is president of Grove which he has owned or managed since 1951. Rosset is suing in his capacities as an individual and as the president of and a principal shareholder in Grove.

6. Plaintiff Fred Jordan ("Jordan") is a citizen of the State of New York and is an editor of and shareholder in Grove. Jordan is suing in those capacities for all but the First Claim herein.

7. Defendant Central Intelligence Agency ("CIA"), located in McLean, Virginia, is an executive agency of the Federal Government and was established by the National Security Act of 1947. It is authorized to collect, correlate, evaluate and disseminate intelligence information obtained from United States intelligence sources. It is expressly prohibited by its charter from exercising police, subpoena, or law-enforcement powers or internal security functions.

8. Defendant George Bush ("Bush"), on information and belief a citizen of the State of Virginia, is the current Director of the CIA. He is sued in his present official capacity and as an individual.

9. Defendant William E. Colby ("Colby"), a citizen of the District of Columbia, was Director of the CIA from in or about September 1973 to in or about January 1976. Prior thereto, from

in or about January 1972 to in or about March 1973, Colby was Executive Director-Comptroller of the CIA. From in or about March 1973 to in or about September 1973, Colby was deputy Director for Operations of the CIA. Colby is sued in his former official capacity and as an individual.

10. Defendant James Schlesinger ("Schlesinger"), a citizen of the State of Virginia, was Director of the CIA from on or about February 2, 1973 to on or about July 2, 1973. He is sued both in his individual and former official capacities.

11. Defendant Richard Helms ("Helms"), on information and belief a citizen of the State of Virginia, was Director of the CIA from on or about June 30, 1966 to on or about February 2, 1973. Prior thereto, Helms was Deputy to the Deputy Director for Plans of the CIA from in or about August 1952 to on or about February 17, 1962, when he was appointed the CIA's Deputy Director for Plans. Helms is sued in his individual and former official capacities.

12. Defendant Admiral William F. Raborn, Jr., ("Raborn"), a citizen of the State of Virginia, was Director of the CIA from in or about April 1965 to in or about June 1966. He is sued in his individual and former official capacities.

13. Defendant John A. McCone ("McCone"), a citizen of the State of California, was Director of the CIA from in or about 1961 through a period in or about 1965. He is sued in his individual and former official capacities.

14. Defendant James J. Angleton ("Angleton"), a citizen of the State of Virginia, was Chief of the Counterintelligence Staff of the CIA from in or about 1954 to in or about December, 1974. He is sued in his individual and former official capacities.

15. Defendant Raymond Rocca ("Rocca"), a citizen of the State of Virginia, was Deputy Chief of the Counterintelligence Staff of the CIA from in or about June 1969 to on or about March 31, 1975. He is sued in his individual and former official capacities.

16. Defendant William J. Hood ("Hood"), a citizen of the State of Maryland, was Executive Officer of the Counterintelligence Staff of the CIA from in or about December 1973 to on or about March 31, 1975. He is sued in his individual and former official capacities.

17. Defendant Newton S. Miler ("Miller"), a citizen of the State of Virginia, was Chief of Operations Group of the Counterintelligence Staff of the CIA from in or about July 1969 to on or about March 31, 1975. He is sued in his individual and former official capacities.

18. Defendant Thomas Karamessines ("Karamessines"), a citizen of the State of Virginia, was Deputy Director for Plans of the CIA from 1967 to 1974. He is sued in his individual and former official capacities.

19. Defendant Richard Ober ("Ober"), a citizen of the State of Virginia, is employed on the staff of the National Security Council. He was on the Counterintelligence Staff of the CIA from in or about August 1964 to in or about July 1973 when he was assigned to the National Security Council. Ober is sued in his individual and former official capacities.

20. Defendants John Doe, Richard Roe and Jane Doe are persons whose identities are presently unknown and who are or were employees, agents or informers, or under the control or guidance of, the CIA or other agencies of the United States Government.

FIRST CLAIM AGAINST THE CIA

21. This cause of action is based on 5 U.S.C. Section 552 (the Freedom of Information Act, as amended) and seeks to enjoin the CIA from refusing to provide to and withholding from Grove and Rosset copies of all records relating to them held by said defendant, and to require the CIA to produce and provide copies of every such record.

22. On March 17, 1975, pursuant to 5 U.S.C. Section 552, Grove and Rosset, by their attorneys, formally requested access to all records held by the CIA which mentioned or related to them or to incidents or events involving them.

23. By letters dated March 26, 1975 and April 8, 1975, the CIA declined to furnish the records which Grove and Rosset had requested. By letter dated April 8, 1975, Grove and Rosset administratively appealed the denial of their request for records to the Information Review Committee of the CIA, pursuant to 18 U.S.C. Section 552(a)(b) and Section 1900.51 of Title 32 of the Code of Federal Regulations.

24. On April 15, 1975 and May 12, 1975, the CIA advised the attorneys for Grove and Rosset that it was declining to furnish the requested records on the ground, inter alia, that additional time was needed for intra-agency consultation.

25. By letters dated June 6, August 29, and September 23, 1975, the CIA purportedly made partial responses and partial

disclosures to Grove and Rosset of records which it was holding pertaining to them and which they had requested. Said partial responses constituted a denial of release and a withholding of records allegedly comprising the complete contents of twenty-seven (27) identified documents, portions of the contents of seven (7) other identified documents, and the complete contents of an unknown quantity of non-identified records.

26. The CIA presently has in its custody or possession copies of a large number of requested records pertaining to Grove and Rosset which it is deliberately withholding contrary to law, knowing said records to be records to which Grove and Rosset are entitled to have access or copies, pursuant to 5 U.S.C. Section 552.

27. The actions of the CIA in withholding the aforesaid records from Grove and Rosset, on information and belief, were and are motivated by the desire to conceal recorded evidence of actions undertaken by former and/or present officials of the CIA, the revelation of which would prove said actions to have been improper, unlawful, criminal, and/or in violation of the legal and Constitutional rights of Grove and Rosset.

28. Pursuant to 5 U.S.C. Section 552, Grove and Rosset are entitled to the release of the aforesaid records withheld in their entirety and to the release without any deletions of the aforesaid records released with deletions. There is no legal basis for the failure and refusal of the CIA so to release said records.

29. Grove and Rosset have exhausted their administrative remedies, and have no adequate remedy at law.

SECOND CLAIM AGAINST
BUSH, COLBY, SCHLESINGER,
HELMS, McCONE, RABORN,
ANGLETON, ROCCA, HOOD,
MILER, KARAMESSINES, OBER,
JOHN DOE, RICHARD ROE,
JANE DOE AND OTHER
UNKNOWN EMPLOYEES OF
THE CIA AND OTHER AGENCIES
OF THE FEDERAL GOVERNMENT.

30. This claim, brought against all individual defendants in their present and/or former official capacities and in their individual capacities, arises under 42 U.S.C. Section 1985(3), and is based on said defendants' conspiracy to deprive Grove, Rosset and Jordan of rights, privileges and immunities secured to them by the Constitution and laws of the United States.

31. For a period of years beginning not later than May 1955 with respect to Rosset, and beginning not later than November 1965 with respect to Grove and persons associated with Rosset or Grove, including without limitation Jordan, and continuing to the present date in all cases, the aforesaid defendants, together with other persons whose identities are presently unknown to Grove, Rosset and Jordan, did wilfully, knowingly and with specific intent conspire, agree to, ratify and/or acquiesce in depriving said plaintiffs of the equal protection

of the laws and equal privileges and immunities under the laws.

32. This conspiracy was furthered by the aforesaid defendants' unlawful establishment, maintenance, and use, on or before November 19, 1965, of a counterintelligence file to investigate and evaluate information concerning the book and magazine publishing policies and activities and motion picture distribution policies and activities of Grove in the United States. Said file was also established, maintained and used unlawfully to investigate and evaluate information concerning the personal activities and the political and religious beliefs and associations of Rosset, and other persons associated with Grove, including without limitation Jordan.

33. The aforesaid investigation and evaluation of information concerning Grove, Rosset and Jordan, and the various acts of data collection more fully described below, constituted and continue to constitute the unlawful exercise within the United States of police, subpoena or law-enforcement powers or internal security functions by the CIA in violation of its charter.

34. The aforesaid counterintelligence file has been maintained until the present date, except for records therein which, on information and belief, were secretly destroyed or removed subsequent to 1970.

35. In furtherance of the objectives of the aforesaid conspiracy and to provide and collect information for the said counterintelligence file, one or more of the above mentioned

defendants, or all of them, or said unknown persons or their agents or employees did agree to, authorize, allow, ratify, acquiesce in, do, or cause to be done, the unlawful overt and covert acts of investigation and surveillance of the activities of Grove, Rosset and Jordan set forth below in paragraphs 36 through 46.

36. On information and belief, one or more of the aforesaid defendants, or all of them, until the present date, wilfully, knowingly or with reason to know caused, agreed to, acquiesced in, allowed, ratified and/or authorized their agents, informants or other persons associated with them to intercept, record and divulge the wire communications to and from the telephone installations of Grove, Rosset and Jordan to other persons, whose identities are unknown to said plaintiffs, through the installation of electronic, mechanical or other devices or through other means.

37. Data obtained from said wire communications was collected in the aforesaid counterintelligence file regarding said plaintiffs. Such acts of interception, recording and divulging were unreasonable and unlawful and were not made in good faith reliance upon any judicial, legislative or other valid authorization.

38. On information and belief, one or more of the aforesaid defendants, or all of them, until the present date, wilfully, knowingly or with reason to know caused, agreed to,

acquiesced in, allowed, ratified and/or authorized their agents, informants or other persons associated with them to engage in covert activities, inside the United States, concerning Grove, Rosset and Jordan, which included, among other acts presently unknown to Plaintiffs, acts of impersonation and disguise for the purpose of "infiltrating", i.e., to actively participate and become involved in, the commercial and political aspects of said plaintiffs' domestic activities.

39. One or more of the aforesaid defendants, or all of them, wilfully, knowingly or with reason to know caused, agreed to, acquiesced in, allowed, ratified and/or authorized their agents, informants or other persons associated with them, on information and belief from 1967 through the present, to conduct "mail cover" and mail-interception operations against Grove, Rosset and Jordan which included the unconsented-to opening and reproduction of first-class mail sent to and from Grove, Rosset and Jordan. Such actions were taken without proper cause or process, for no lawful or legitimate purpose, and in violation of federal law.

40. On information and belief, one or more of the aforesaid defendants, or all of them, wilfully, knowingly or with reason to know caused, agreed to, acquiesced in, allowed, ratified and/or authorized their agents, informants or other persons associated with them, during 1969, to arrange for and/or participate in the unlawful physical surveillance of, and the unlawful forceful entry into and search of, the New York apartment of Ms.

Bea Losito, during the time she was employed as the secretary of Rosset, for the purpose of obtaining information concerning Grove, Rosset and Jordan. Information obtained in this way was provided to the aforesaid counterintelligence file.

41. On or about July 26, 1968, the offices of Grove were bombed by, upon information and belief, "anti-Castro Cuban exiles" whose identities are presently unknown to Grove, Rosset and Jordan, but whose identities and activities, upon information and belief, were and are, known to one or more of the aforesaid defendants.

42. The aforesaid bombing, on information and belief, was done in connection with domestic CIA operations unlawfully undertaken pursuant to the direction, guidance, acquiescence and/or authorization of one or more of the aforesaid defendants, or pursuant to the direction, guidance, acquiescence and/or authorization of said defendants' agents, informants or other persons for the purpose and with the intent of disrupting Grove's publishing activities.

43. On information and belief, one or more of the aforesaid defendants, or all of them, until the present date, wilfully, knowingly or with reason to know caused, agreed to, acquiesced in, allowed, ratified and/or authorized their agents, informers or other persons associated with them who were employed by, placed in employment with, or were otherwise associated with Grove or some private organization having some relationship to Grove, to report on, influence, affect and/or disrupt the man-

aterial, editorial, and/or employment policies and actions of Grove, Rosset and Jordan. Information regarding such covert operations of "penetration" was collected in the aforesaid counterintelligence file regarding Grove, Rosset and Jordan.

44. On information and belief, one or more of the aforesaid defendants, or all of them, until the present date, wilfully, knowingly or with reason to know caused, agreed to, acquiesced in, allowed, ratified and/or authorized the unlawful awarding of secret subsidies and covert financial assistance and/or contracts to private commercial book publishers who they knew were in competition in one or more lines of interstate commerce with Grove. On information and belief such publishers included, without limitation, Praeger, Inc., Fodor's Modern Guides, Inc. and others whose identities are presently unknown to Grove, Rosset and Jordan.

45. The aforesaid awards of secret subsidies and covert financial assistance were made for the purpose and with the intent of economically injuring Grove, Rosset and Jordan. Said awards were also made to impede circulation of the information and political ideas contained in Grove's books in the United States and to promote circulation of the information and political ideas contained in said competitors' books.

46. On information and belief, one or more of the aforesaid defendants, or all of them, until the present date, wilfully, knowingly or with reason to know caused, agreed to, acquiesced in, allowed, ratified and/or authorized their agents,

informants or other persons associated with them unlawfully to engage private companies, including without limitation Praeger, Inc., under contract or otherwise, and United States Government agencies charged with domestic and internal security police and law enforcement functions, other than the CIA, including without limitation the United States Department of Justice, to collect for placement in the aforementioned counterintelligence file information pertaining to Rosset's personal life and political beliefs and associations, including without limitation Jordan, and Grove's publishing and distribution activities.

47. On information and belief, data and/or evaluations based on said information collected in the aforesaid counterintelligence file were and are unlawfully made available to officials of agencies of the United States Government other than the CIA, including the United States Department of Justice, for purposes unrelated to said agencies' lawful activities and functions.

48. On information and belief, the aforesaid data and/or evaluations were and are disseminated to the aforementioned agencies and other agencies and persons presently unknown to Grove, Rosset and Jordan, for the purpose and with the intent of affecting, obstructing and/or restraining Grove's publishing and distribution activities in the United States, Rosset's political impact on events in the United States and the circulation of information and political ideas inside the United States by Grove, Rosset and Jordan.

49. Each of the aforesaid acts more fully described in paragraphs 36 through 48 hereof had the following direct and proximate results: (a) restraining and disrupting the publishing and distribution activities of Grove; (b) suppressing the political and ideological expressions of Grove, Rosset and his associates, including without limitation Jordan, by depriving them of their rights to freedom of press, speech, assembly and association, their right to petition for redress of grievances, their right to privacy and security from unreasonable governmental intrusion, their right not to be deprived of liberty without due process of law and their right to the equal protection of the laws; and (c) retarding the dissemination by Grove, Rosset and Jordan of information, opinions and views that were and are opposed to, and critical of, the actions and positions of the aforesaid defendants and the Administrations which employed them -- all in violation of the First, Fourth, Fifth and Ninth Amendments to the United States Constitution.

50. Each of the aforementioned acts was carried out by one or more of the aforesaid defendants, or all of them, or by their agents, employees, informants or persons having other relationships with them, pursuant to an express or implied authorization, acquiescence, allowance, order, or command by, or on behalf of, said defendants while they were acting under color of federal statute, ordinance, practice or regulation.

51. With respect to the said acts, the aforesaid de-

fendants, separately and in concert, acted outside the scope of their valid statutory authority; they acted wilfully, knowingly or with reason to know to deprive Grove, Rosset and Jordan of their rights under the United States Constitution and the laws of the United States as described and enumerated in paragraph 49 hereof.

52. Each of the said acts violated provisions of the National Security Act mandating that the CIA "shall have no police, subpoena, law-enforcement powers, or internal security functions," 50 U.S.C. Section 403(d)(3). Said acts also violated the provisions of 42 U.S.C. Section 1985(3) and 18 U.S.C. Sections 241 and 242.

53. By reason of the foregoing, Grove, Rosset and dan have sustained compensatory damages in excess of \$10,000,000. Additionally, Grove, Rosset and Jordan are entitled to punitive damages in the sum of \$100,000 from each of the aforesaid defendants.

THIRD CLAIM AGAINST
BUSH, COLBY, SCHLESINGER,
HELMS, McCONE, RABORN,
ANGLETON, ROCCA, HOOD,
MILER, KARAMESSINES, OBER,
JOHN DOE, RICHARD ROE,
JANE DOE AND OTHER
UNKNOWN EMPLOYEES OF
THE CIA AND OTHER AGENCIES
OF THE FEDERAL GOVERNMENT.

54. This claim, brought against all individual defendants in their present and/or former official capacities and in

their individual capacities, arises under 42 U.S.C. Section 1986 and is based on said defendants' neglect and refusal to prevent the conspiracy described in the First Claim above.

55. Plaintiffs repeat and reallege each and every allegation of paragraphs 1 through 20 and 31 through 52 with the same force and effect as if set forth herein at length.

56. Each of the aforesaid defendants and said other persons whose identities are unknown to Grove, Rosset and Jordan had actual or constructive knowledge of the said conspiracy and each had the power and duty to prevent or aid in preventing the commission of the wrongs that were carried out in furtherance of the conspiracy.

57. Each of the aforesaid defendants and said unknown persons, acting separately and in concert outside the scope of their valid statutory authority, wilfully and knowingly or with reason to know, neglected and refused to prevent or to aid in preventing said wrongs.

58. By reason of the foregoing, Grove, Rosset and Jordan suffered the injuries more fully described in paragraph 49 hereof. By virtue thereof, Grove, Rosset and Jordan have sustained compensatory damages in excess of \$10,000,000 as well as punitive damages in the sum of \$100,000 from each of the aforesaid defendants.

FOURTH CLAIM AGAINST
BUSH, COLBY, SCHLESINGER,
HELMS, McCONE, RABORN,
ANGLETON, ROCCA, HOOD,
MILER, KARAMESSINES, OBER,
JOHN DOE, RICHARD ROE,
JANE DOE AND OTHER
UNKNOWN EMPLOYEES OF
THE CIA AND OTHER AGENCIES
OF THE FEDERAL GOVERNMENT.

59. This claim, brought against all individual defendants in their present and/or former official capacities and in their individual capacities, arises from the overt acts of investigation, surveillance and data collection with respect to Grove, Rosset and Jordan authorized, acquiesced in, agreed to, allowed, ratified and/or undertaken by the aforesaid defendants and said other persons whose identities are unknown to Grove, Rosset and Jordan in violation of the rights secured to Grove, Rosset and Jordan by the United States Constitution and the laws of the United States.

60. Plaintiffs repeat and reallege each and every allegation of paragraphs 1 through 20, 31 through 34 and 46 through 48 hereof with the same force and effect as if set forth herein at length.

61. Each of the aforesaid acts more fully described in paragraphs 31 through 34 and 46 through 48 hereof had the following direct and proximate results: (a) restraining and disrupting the publishing and distribution activities of Grove; (b) suppressing the political and ideological expressions of Grove, Rosset and his associates, including without limitation

Jordan, by depriving them of their rights to freedom of press, speech, assembly and association, their right to petition for redress of grievances, their right to privacy and security from unreasonable governmental intrusion, their right not to be deprived of liberty without due process of law and their right to the equal protection of the laws; and (c) retarding the dissemination by Grove, Rosset and Jordan of information, opinions and views that were and are opposed to, and critical of, the actions and positions of the aforesaid defendants and the Administrations which employed them -- all in violation of the First, Fourth, Fifth and Ninth Amendments to the United States Constitution.

62. Each of the aforementioned acts was carried out by one or more of the aforesaid defendants, or all of them, or by their agents, employees, informants or persons having other relationships with them, pursuant to an express or implied authorization, acquiescence, allowance, order, or command by, or on behalf of, said defendants while they were acting under color of federal statute, ordinance, practice or regulation.

63. With respect to the said acts, the aforesaid defendants, separately and in concert, acted outside the scope of their valid statutory authority; they acted wilfully, knowingly or with reason to know to deprive Grove, Rosset and Jordan of their rights under the United States Constitution and the laws of the United States as described and enumerated in paragraph 61 hereof.

64. Each of the said acts violated provisions of the National Security Act mandating that the CIA "shall have no police, subpoena, law-enforcement powers, or internal security functions," 50 U.S.C. Section 403(d)(3). Said acts also violated the provisions of 42 U.S.C. Section 1985(3) and 18 U.S.C. Sections 241 and 242.

65. By reason of the foregoing, Grove, Rosset and Jordan have sustained compensatory damages in excess of \$10,000,000. Additionally, Grove, Rosset and Jordan are entitled to punitive damages in the sum of \$100,000 from each of the aforesaid defendants.

FIFTH CLAIM AGAINST
BUSH, COLBY, SCHLESINGER,
HELMS, McCONE, RABORN,
ANGLETON, ROCCA, HOOD,
MILER, KARAMESSINES, OBER,
JOHN DOE, RICHARD ROE,
JANE DOE AND OTHER
UNKNOWN EMPLOYEES OF
THE CIA AND OTHER AGENCIES
OF THE FEDERAL GOVERNMENT.

66. This claim, brought against all individual defendants in their present and/or former official capacities and in their individual capacities, arises from the covert acts of investigation, subsidization, surveillance and data collection with respect to Grove, Rosset and Jordan authorized, acquiesced in, agreed to, allowed, ratified and/or undertaken by the aforesaid defendants and said other persons whose identities are unknown to Grove, Rosset and Jordan in violation of the rights

secured to Grove, Rosset and Jordan by the United States Constitution and the laws of the United States.

67. Plaintiffs repeat and reallege each and every allegation of paragraphs 1 through 20, 38, 40 and 43 through 45 hereof with the same force and effect as if set forth herein at length.

68. Each of the aforesaid acts more fully described in paragraphs 38, 40 and 43 through 45 hereof had the following direct and proximate results: (a) restraining and disrupting the publishing and distribution activities of Grove; (b) suppressing the political and ideological expressions of Grove, Rosset and his associates, including without limitation Jordan, by depriving them of their rights to freedom of press, speech, assembly and association, their right to petition for redress of grievances, their right to privacy and security from unreasonable governmental intrusion, their right not to be deprived of liberty without due process of law and their right to the equal protection of the laws; and (c) retarding the dissemination by Grove, Rosset and Jordan of information, opinions and views that were and are opposed to, and critical of, the actions and positions of the aforesaid defendants and the Administrations which employed them -- all in violation of the First, Fourth, Fifth and Ninth Amendments to the United States Constitution.

69. Each of the aforementioned acts was carried out

by one or more of the aforesaid defendants, or all of them, or by their agents, employees, informants or persons having other relationships with them, pursuant to an express or implied authorization, acquiescence, allowance, order, or command by, or on behalf of, said defendants while they were acting under color of federal statute, ordinance, practice or regulation.

70. With respect to the said acts, the aforesaid defendants, separately and in concert, acted outside the scope of their valid statutory authority; they acted wilfully, knowingly or with reason to know to deprive Grove, Rosset and Jordan of their rights under the United States Constitution and the laws of the United States as described and enumerated in paragraph 68 hereof.

71. Each of the said acts violated provisions of the National Security Act mandating that the CIA "shall have no police, subpoena, law-enforcement powers, or internal security functions," 50 U.S.C. Section 403(d)(3). Said acts also violated the provisions of 42 U.S.C. Section 1985(3) and 18 U.S.C. Sections 241 and 242.

72. By reason of the foregoing, Grove, Rosset and Jordan have sustained compensatory damages in excess of \$10,000,000. Additionally, Grove, Rosset and Jordan are entitled to punitive damages in the sum of \$100,000 from each of the aforesaid defendants.

SIXTH CLAIM AGAINST
BUSH, COLBY, SCHLESINGER,
HELMS, McCONE, RABORN,
ANGLETON, ROCCA, HOOD,
MILER, KARAMESSINES, OBER,
JOHN DOE, RICHARD ROE,
JANE DOE AND OTHER
UNKNOWN EMPLOYEES OF
THE CIA AND OTHER AGENCIES
OF THE FEDERAL GOVERNMENT.

73. This claim, brought against all individual defendants in their present and/or former official capacities and in their individual capacities, arises from the unauthorized wire interception and disclosure of communications of Grove, Rosset and Jordan, the privacy upon which said plaintiffs relied, authorized, acquiesced in, agreed to, allowed and/or undertaken by the aforesaid defendants and said other persons whose identities are unknown to Grove, Rosset and Jordan in violation of the rights secured to Grove, Rosset and Jordan by the United States Constitution and the laws of the United States, including without limitation 47 U.S.C. Section 605, 18 U.S.C. Section 242 and 18 U.S.C. Sections 2510-2520.

74. Plaintiffs repeat and reallege each and every allegation of paragraphs 1 through 20, 36 and 37 hereof with the same force and effect as if set forth herein at length.

75. Each of the aforesaid acts more fully described in paragraphs 36 and 37 hereof had the following direct and proximate results: (a) restraining and disrupting the publishing and distribution activities of Grove; (b) suppressing the political and ideological expressions of Grove, Rosset and his asso-

ciates, including without limitation Jordan, by depriving them of their rights to freedom of press, speech, assembly and association, their right to petition for redress of grievances, their right to privacy and security from unreasonable governmental intrusion, their right not to be deprived of liberty without due process of law and their right to the equal protection of the laws; and (c) retarding the dissemination by Grove, Rosset and Jordan of information, opinions and views that were and are opposed to, and critical of, the actions and positions of the aforesaid defendants and the Administrations which employed them -- all in violation of the First, Fourth, Fifth and Ninth Amendments to the United States Constitution.

76. Each of the aforementioned acts was carried out by one or more of the aforesaid defendants, or by their agents, employees, informants or persons having other relationships with them, pursuant to an express or implied authorization, acquiescence, allowance, order, or command by, or on behalf of, said defendants while they were acting under color of federal statute, ordinance, practice or regulation.

77. With respect to the said acts, the aforesaid defendants, separately and in concert, acted outside the scope of their valid statutory authority; they acted wilfully, knowingly or with reason to know to deprive Grove, Rosset and Jordan of their rights under the United States Constitution and the laws of the United States as described and enumerated in paragraph 75 hereof.

78. Each of the said acts violated provisions of the National Security Act mandating that the CIA "shall have no police, subpoena, law-enforcement powers, or internal security functions," 50 U.S.C. Section 403(d)(3). Said acts also violated the provisions of 42 U.S.C. Section 1985(3) and 18 U.S.C. Sections 241 and 242.

79. By reason of the foregoing, Grove, Rosset and dan have sustained compensatory damages in excess of \$10,000,000. Additionally, Grove, Rosset and Jordan are entitled to punitive damages in the sum of \$100,000 from each of the aforesaid defendants.

SEVENTH CLAIM AGAINST
BUSH, COLBY, SCHLESINGER,
HELMs, McCONE, RABORN,
ANGLETON, ROCCA, HOOD,
MILER, KARAMESSINES, OBER,
JOHN DOE, RICHARD ROE,
JANE DOE AND OTHER
UNKNOWN EMPLOYEES OF
THE CIA AND OTHER AGENCIES
OF THE FEDERAL GOVERNMENT.

80. This claim, brought against all individual defendants in their present and/or former official capacities and in their individual capacities, arises from the unwarranted "mail cover", mail-interception, mail-opening and mail-reproduction activities with respect to Grove, Rosset and Jordan authorized, acquiesced in, agreed to, allowed and/or undertaken by the aforesaid defendants and said other persons whose identities are unknown to Grove, Rosset and Jordan in violation of the rights

secured to Grove, Rosset and Jordan by the United States Constitution and the laws of the United States, including without limitation 18 U.S.C. Sections 1701-1703 and 18 U.S.C. Section 242.

81. Plaintiffs repeat and reallege each and every allegation of paragraphs 1 through 20 and 39 hereof with the same force and effect as if set forth herein at length.

82. Each of the aforesaid acts more fully described in paragraph 39 hereof had the following direct and proximate results: (a) restraining and disrupting the publishing and distribution activities of Grove; (b) suppressing the political and ideological expressions of Grove, Rosset and his associates, including without limitation Jordan, by depriving them of their rights to freedom of press, speech, assembly and association, their right to petition for redress of grievances, their right to privacy and security from unreasonable governmental intrusion, their right not to be deprived of liberty without due process of law and their right to the equal protection of the laws; and (c) retarding the dissemination by Grove, Rosset and Jordan of information, opinions and views that were and are opposed to, and critical of, the actions and positions of the aforesaid defendants and the Administrations which employed them -- all in violation of the First, Fourth, Fifth and Ninth Amendments to the United States Constitution.

83. Each of the aforementioned acts was carried out by

one or more of the aforesaid defendants, or by their agents, employees, informants or persons having other relationships with them, pursuant to an express or implied authorization, acquiescence, allowance, order, or command by, or on behalf of, said defendants while they were acting under color of federal statute, ordinance, practice or regulation.

84. With respect to the said acts, the aforesaid defendants, separately and in concert, acted outside the scope of their valid statutory authority; they acted wilfully, knowingly or with reason to know to deprive Grove, Rosset and Jordan of their rights under the United States Constitution and the laws of the United States as described and enumerated in paragraph 82 hereof.

85. Each of the said acts violated provisions of the National Security Act mandating that the CIA "shall have no police subpoena, law-enforcement powers, or internal security functions," 50 U.S.C. Section 403(d)(3). Said acts also violated the provisions of 42 U.S.C. Section 1985(3) and 18 U.S.C. Sections 241 and 242.

86. By reason of the foregoing, Grove, Rosset and Jordan have sustained compensatory damages in excess of \$10,000,000. Additionally, Grove, Rosset and Jordan are entitled to punitive damages in the sum of \$100,000 from each of the aforesaid defendants.

EIGHTH CLAIM AGAINST
BUSH, COLBY, SCHLESINGER,
HELMS, McCONE, RABORN,
ANGLETON, ROCCA, HOOD,
MILER, KARAMESSINES, OBER,
JOHN DOE, RICHARD ROE,
JANE DOE AND OTHER
UNKNOWN EMPLOYEES OF
THE CIA AND OTHER AGENCIES
OF THE FEDERAL GOVERNMENT.

87. This claim, brought against all individual defendants in their present and/or former official capacities, is based on said defendants' foreknowledge of, refusal to prevent and subsequent cover-up of the bombing of the offices of Grove in violation of the rights secured to Grove, Rosset and Jordan by the United States Constitution and the laws of the United States, including without limitation 42 U.S.C. 1986.

88. Plaintiffs repeat and reallege each and every allegation of paragraphs 1 through 20, 41 and 42 hereof with the same force and effect as if set forth herein at length.

89. Each of the aforesaid acts more fully described in paragraphs 41 and 42 hereof had the following direct and proximate results: (a) restraining and disrupting the publishing and distribution activities of Grove; (b) suppressing the political and ideological expressions of Grove, Rosset and his associates, including without limitation Jordan, by depriving them of their rights to freedom of press, speech, assembly and association, their right to petition for redress of grievances, their right to privacy and security from unreasonable governmental intrusion, their right not to be deprived of liberty without due process of

law and their right to the equal protection of the laws; and (c) retarding the dissemination by Grove, Rosset and Jordan of information, opinions and views that were and are opposed to, and critical of, the actions and positions of the aforesaid defendants and the Administrations which employed them -- all in violation of the First, Fourth, Fifth and Ninth Amendments to the United States Constitution.

90. Each of the aforementioned acts was carried out by one or more of the aforesaid defendants, or by their agents, employees, informants or persons having other relationships with them, pursuant to an express or implied authorization, acquiescence, allowance, order, or command by, or on behalf of, said defendants while they were acting under color of federal statute, ordinance, practice or regulation.

91. With respect to the said acts, the aforesaid defendants, separately and in concert, acted outside the scope of their valid statutory authority; they acted wilfully, knowingly or with reason to know to deprive Grove, Rosset and Jordan of their rights under the United States Constitution and the laws of the United States as described and enumerated in paragraph 89 hereof.

92. Each of the said acts violated provisions of the National Security Act mandating that the CIA "shall have no police, subpoena, law-enforcement powers, or internal security functions," 50 U.S.C. Section 403(d)(3). Said acts also violated the pro-

visions of 42 U.S.C. Section 1985(3) and 18 U.S.C. Sections 241 and 242.

93. By reason of the foregoing, Grove, Rosset and Jordan have sustained compensatory damages in excess of \$10,000,000. Additionally, Grove, Rosset and Jordan are entitled to punitive damages in the sum of \$100,000 from each of the aforesaid defendants.

PRAYER FOR RELIEF

WHEREFORE, Grove, Rosset and Jordan pray for the following relief:

1. That this proceeding be accorded precedence on the docket over all cases and be assigned for hearing and trial or for argument at the earliest practical date and expedited in every way, as provided for under 5 U.S.C. Section 552(a)(4)(D).

2. That the CIA be ordered to produce forthwith under seal and deliver to the Court copies of all records in their custody pertaining to Grove and Rosset.

3. That copies of all such records be examined by the Court and by counsel for the respective parties herein in camera to determine whether all said records, and if not which said records or portions thereof, are records access to which Grove and Rosset are legally entitled, and that copies of all said records be ordered delivered to Plaintiffs.

4. That Bush and each of his successors at the CIA and other employees, officers or agents thereof be permanently enjoined (a) from authorizing or allowing, by any express or implied policy or practice, any investigation, evaluation, or other intelligence activity, whether overt or covert, any collection, production or use of any secret intelligence file containing information or evaluations, concerning the personal life, activities, political or religious beliefs and associations of Rosset and Jordan; the business and communications activities of Grove, including the books, magazines, and films it publishes or distributes; and the personal, political, or other beliefs, associations, or activities of any officer, agent, employee of Grove or other person associated with Grove within the United States; and (b) from authorizing or allowing, by any express or implied policy or practice, the undertaking of acts of the kind more fully described in the Second through the Eighth Claims herein, with respect to Grove, Rosset and Jordan by any officer, employee, agent or informer of, or any other person in relationship with, the CIA.

5. That the Court issue a mandatory injunction or writ of mandamus ordering Bush to take the administrative measures necessary (a) to implement the aforesaid injunction and, after delivery to Grove and Rosset of copies of the records described above, (b) to either destroy all records maintained by the CIA pertaining to Grove and Rosset or permit any such

records which the Court may find to be validly held by the CIA to be corrected and completed in accordance with information furnished, and to be furnished, by Grove and Rosset on a continuing and perpetual basis.

6. That a written finding, pursuant to 5 U.S.C. Section 552(a)(4)(F), be issued by the Court stating that the circumstances surrounding the withholding of records pertaining to Grove and Rosset raise questions whether personnel of the CIA acted arbitrarily and capriciously with respect to the said withholding.

7. That the Court declare the acts of the named defendants herein, as more fully described in the Second through the Eighth Claims herein, to have been and continue to be, as the case may be, unlawful and in violation of the applicable cited statutes and the First, Fourth, Fifth and Ninth Amendments to the United States Constitution.

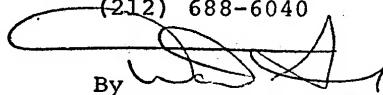
8. That Grove, Rosset and Jordan be awarded judgment against the respective defendants named in the Second through the Eighth Claims herein for compensatory damages payable jointly and severally in the amount of \$10,000,000 and, further, that Grove, Rosset and Jordan be adjudged entitled to the sum of \$100,000 from each of said named defendants as punitive damages.

9. That Grove, Rosset and Jordan be awarded the costs and disbursements of this action, including their reasonable attorneys' fees and interest.

10. That the Court afford Grove, Rosset and Jordan such other and further relief as it deems just and proper.

Dated: New York, New York
November 12, 1976

EMIL, KOBIN, KLEIN & GARBUS
Attorneys for Plaintiffs
540 Madison Avenue
New York, New York 10022
(212) 688-6040

By 
A Member of the Firm

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SUSPENSE

Date

Remarks:

Executive Secretary

Date